

Message Text

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SUBJ: NARCOTICS LAWS

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1. TANZANIA LAW DOES NOT MAKE A DISTINCTION BETWEEN DIFFERENT TYPES OF NARCOTICS, INCLUDING PUNISHMENT FOR POSSESSION. THE LAWS CONCERNED

ARE THE DANGEROUS DRUGS ORINANCE (REVISED) CAP. 95 AND CULTIVATION OF NOXIOUS PLANTS (PROHIBITION) ORINANCE (REVISED) CAP. 134.

2. PUNISHMENT IS DIRECTLY PROPORTIONAL TO THE AMOUNT THE ACCUSED HAS IN HIS POSSESSION. AN INDIVIDUAL CAUGHT SMOKING BHANG (CANNABIS SALVA - THE MOST COMMON DRUG IN TANZANIA) IS SUBJECT TO FINE OF APPROXIMATELY \$60.00 OR TWO MONTHS IMPRISONMENT. A PERSON WITH A LARGE AMOUNT IN HIS POSSESSION IS CONSIDERED A PUSHER AND FINED UP TO \$1266 OR TWO YEARS IMPRISONMENT. THERE ARE NO SPECIFIC PROVISIONS INVOLVING TRAFFICKING. TANZANIA HAS COOPERATED WITH NEIGHBORING COUNTRIES AND INTERPOL TO CONTROL IT.

3. CULTIVATION OF CANNABIS AND IPIUM IS PROHIBITED BY LAW, CULTIVATION OF NOXIOUS PLANTS (PROHIBITION) ORDINANCE (REVISED) CAP. 134. THE MAXIMUM PENALTY IS IMPRISONMENT FOR TWO YEARS, A FINE OF \$1266 OR BOTH. SCIENTIFIC INSTITUTIONS COULD BE ALLOWED TO CULTIVATE UNDER STRICT SUPERVISION FOR MEDICINAL PURPOSES. THE UNCLASSIFIED

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PAGE 02 DAR ES 03123 241404Z

PENALTIES ARE FOR CULTIVATION AND POSSESSION. AT PRESENT, THE LAW DOES NOT ADDRESS QUESTION OF ELABORATION OF NARCOTICS SUBSTANCES, SINCE NO INSTANCES HAVE COME TO LIGHT WHERE ELABORATION HAS TAKEN PLACE.

4. CENTRALISTIC STRUCUTRE OF AGRICULTURE IN THIS SOCIALIST COUNTRY, EXTENDING GOVT CONTROL DOWN TO SMALLEST VILLAGE, MAKES TI VIRTUALLY

IMPOSSIBLE FOR PERSONS TO OFFER FINANCIAL SUPPORT TO NARCOTICS CULTIVATION. THERE IS NO SERIOUS CONCERN ABOUT DRUG PROBLEMS IN THIS COUNTRY. THE USE OF DRUGS IS CONFINED TO A SMALL SECTION OF THE COUNTRY. THE HEALTH HAZARDS CAUSED BY NARCOTICS ARE NOT REALIZED BY THE SMALL SEGMENT OF THE POPULATION CONCERNED. LAWS GOVERNING EXPORT OF CURRENCY DO NOT LIMIT AMOUNTS THAT CAN BE EXPORTED, SO LONG AS PERMITS ARE OBTAINED ON BASIS OF SATISFACTORY EXPLANATION OF LEGALITY OF INCOME SOURCE.

45. BY LAW, ANYONE WHO HAS BEEN ARRESTED FOR ANY OFFENCE MUST BE BROUGHT BEFORE A MAGISTRATE NOT MORE THAN TWENTY-FOUR HOURS AFTER HIS ARREST. IN PRACTISE THIS HAS USUALLY BEEN VIOLATED. CONSULAR ACCESS IS PERMITTED BUT THE EMBASSY IS NOT ROUTINELY NOTIFIED OF ARRESTS AND THERE IS A SIGNIFICANT DELAY IN LEARNING OF ARRESTS. TRIALS MAY LAST A MONTH, BUT SOME NARCOTICS CASES HAVE TAKEN LESS TIME, SINCE COURTS ARE SOMETIMES WILLING TO ACCEPT GUILTY PLEAS IN RETURN FOR LESSER PUNISHMENTS. THERE ARE NO KNOWN CASES OF APPEAL ON NARCOTICS CONVICTIONS, BUT APPELLATE PROCESS COULD TAKE MORE THAN A YEAR. LEGAL CONSEL IS GENERALLY AVAILABLE. THERE IS NO PAROLE, BUT SENTENCES ARE NORMALLY REDUCED BY A THIRD FOR GOOD BEHAVIOR IN JAILS. EMBASSY KNOWS OF NO CASE WHERE A FOREIGN NATIONAL HAS BEEN EXPELLED FOR NARCOTICS OFFENSES. COURTS HAVE, HOWEVER, BOUND OVER MINOR OFFENDERS RATHER THAN SEND THEM TO PRISON ON NARCOTICS CHARGES.

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